

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

AMERICAN PATENTS LLC,

Plaintiff,

v.

GRANDE COMMUNICATIONS
NETWORKS, LLC,

Defendant.

CIVIL ACTION NO. 6:21-cv-1332-ADA

JURY TRIAL DEMANDED

CASE READINESS STATUS REPORT

Plaintiff American Patents LLC (“American”) and Defendant Grande Communications Networks, LLC (“Grande”), hereby provide the following status report in advance of the initial Case Management Conference (CMC).

SCHEDULE

A scheduling order has not yet been filed.

FILING AND EXTENSIONS

Plaintiff’s Original Complaint was filed on December 21, 2021. (Dkt. # 1). There has been one extension for a total of 45 days.

RESPONSE TO THE COMPLAINT

On March 28, 2022, Defendant filed its Answer in response to the Original Complaint. (Dkt. # 16). Counterclaims for non-infringement and invalidity were included in Defendant’s Answer and Counterclaims. On April 4, 2022, Plaintiff filed its Answer to Defendant’s counterclaims. (Dkt. # 18).

PENDING MOTIONS

There are currently no pending motions before the Court. The parties anticipate, however, filing a joint motion for leave to seek pre-*Markman* third-party discovery relating to license(s) to the Asserted Patents.

RELATED CASES IN THIS JUDICIAL DISTRICT

The following are the CRSR Related Cases filed in this Court that involve the same plaintiff and at least three of the same four asserted patents in this case:

- 6-21-cv-01331 (dismissed)
- 6-21-cv-01333
- 6-21-cv-01334 (dismissed)
- 6-21-cv-01335 (dismissed)
- 6-21-cv-01336
- 6-21-cv-01337

IPR, CBM, AND OTHER PGR FILINGS

There are no known live IPR, CBM, or other PGR filings involving the asserted patents, and no prior IPR, CBM, or other PGR filings involving the asserted patents has resulted in a Final Written decision.

NUMBER OF ASSERTED PATENTS AND CLAIMS

Plaintiff has asserted four patents, U.S. Patent Nos. 7,088,782, 7,310,304, 7,706,458, and 6,847,803. The deadline for Plaintiff to serve its Preliminary Infringement Contentions has not yet passed. Plaintiff hereby states that it asserts 73 total claims from those four patents: 38 claims from U.S. Patent No. 7,088,782 (Claims 1-12, 14-19, 23-24, 30-38, 40, and 44-51); 15 claims from U.S. Patent No. 7,310,304 (Claims 1-10, 11-13, 21, and 22); 19 claims from U.S. Patent No. 7,706,458 (Claims 1-9, 11-14, 16, 17, and 19-22); and 1 claim from U.S. Patent No.

6,847,803 (Claim 1). Defendant hereby states that the assertion of 73 total claims across four separate patents is unduly burdensome, excessive, and will only serve to needlessly complicate this case. Plaintiff hereby states that it has a right to assert all claims that are infringed.

APPOINTMENT OF TECHNICAL ADVISER

Plaintiff requests a technical adviser to be appointed to the case to assist the Court with claim construction issues. Defendant proposes that, to the extent the Court determines a need for a technical expert, Defendant requests the opportunity to propose an appropriate adviser to assist the Court.

MEET AND CONFER STATUS

Plaintiff and Defendant met and conferred.

The parties have agreed to accept service by email on counsel of record. The parties have submitted (Dkt. # 20), and the Court has entered (Dkt. # 21), a joint motion for protective order. The parties have a dispute regarding remote depositions. Plaintiff proposes that any party may take a deposition by videoconference, telephone, or other remote means, rather than in person, and that an attorney defending such a deposition may appear in person or via videoconference, telephone, or other remote means, at his or her option, as may any other attorney that wishes to appear at that deposition. Defendant proposes that the parties consider reasonable requests to take depositions by videoconference, telephone, or other remote means, rather than in person, but does not agree at this stage that all depositions will be taken remotely. Defendant also proposes that an attorney defending such an agreed upon remote deposition may appear in person or via videoconference, telephone, or other remote means, at his or her option, as may any other attorney that wishes to appear at that deposition.

Defendant identifies the following pre-*Markman* issue to raise at the CMC: Following service of the Complaint, Defendant was made aware of license(s) to the Asserted Patents that

Defendant claims cover at least one of the products accused of infringement in the Complaint. Neither party has seen the entire license agreement in question. Defendant made Plaintiff aware of this issue relating to its infringement allegations and requested that Plaintiff amend its Complaint to remove certain infringement allegations. Plaintiff indicated that at this stage it would agree to certain pre-*Markman* discovery on this issue. Defendant has agreed to produce certain sales information for the accused products. The Parties will meet-and-confer to determine the timing and scope of the limited discovery relating to sales of the accused products.

The Parties respectfully request limited, pre-*Markman*, third-party discovery in the form of a subpoena to Intellectual Ventures. Defendant also will request leave to serve a subpoena on Netgear and (if necessary) Amazon.

Dated: June 3, 2022

Respectfully submitted,

/s/ Zachariah S. Harrington

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of June 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

By: /s/ Zachariah S. Harrington

Zachariah S. Harrington